

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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SECURITIES AND EXCHANGE COMMISSION,

Plaintiff,

-against-

ISHOPNOMARKUP.COM, INC., et al.,

Defendants.
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ORDER

CV 04-4057 (DRH) (ARL)

LINDSAY, Magistrate Judge:

Defendant Anthony Knight moves by letter application dated August 3, 2005 for an order directing that his deposition be conducted by telephone, or, alternatively, that plaintiff bear the costs of his transportation from his residence in California to New York for the deposition as well as his lodging expenses in New York. Plaintiff opposes the application by letter dated August 11, 2005. Plaintiff's letter also moves to compel defendant Knight to respond to outstanding document requests and interrogatories. Defendant Knight responds to plaintiff's letter by letter dated August 16, 2005, agreeing to provide responses to plaintiff's discovery demands "in the near future."

Recognizing the general presumption that a deposition of a nonresident defendant will be conducted at the defendant's place of residence, plaintiff has agreed to travel to La Jolla, California to take defendant Knight's deposition. (See plaintiff's letter at p. 2; see also Buzzeo v. Bd. of Educ., 178 F.R.D. 390, 392 (E.D.N.Y. 1998)). The court finds this to be reasonable. Thus, the application is **DENIED** and defendant Knight is directed to appear for deposition in La Jolla, California. Counsel for the parties shall agree upon a mutually convenient date for the deposition, but in no event shall it be taken later than September 30, 2005. Finally, given that defendant Knight does not object to the substance of plaintiff's discovery demands, he is ordered to respond by September 16, 2005.

Dated: Central Islip, New York
August 22, 2005

SO ORDERED:

/s/

ARLENE ROSARIO LINDSAY
United States Magistrate Judge